

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

ANDREW L. COLBORN,

Plaintiff

NETFLIX, INC., et al.,

Defendants.

Case No. 19-CV-484

**PLAINTIFF'S EMERGENCY EXPEDITED RULE 7(H) MOTION
TO TEMPORARILY RESTRICT PUBLIC ACCESS**

Pursuant to Rule 5.2(d) of the Federal Rules of Civil Procedure, Civil Local Rule 79(d)(4), and Section II.G.1 of the Electronic Case Filing Policies and Procedure Manual for this Court, Plaintiff, by his undersigned counsel, respectfully moves the Court to direct the Clerk to modify Docket Entries ##325 and 331 to restrict from public access documents that were intended by Plaintiff's counsel to be filed as restricted until the Court decides the merits of Defendants Chrome Media, LLC, Laura Ricciardi, and Moira Demos' confidentiality designations with respect to materials that are described therein. In further support of this motion, Plaintiff asserts as follows:

1. Defendants Chrome Media, LLC, Laura Ricciardi, and Moira Demos have designated their production communications and email messages, including those of their former editor, as confidential for purposes of the protective order in this case, along with the testimony provided in this case by them and their editor, except as they may from time to time permit Plaintiff to file upon request and advance review by their counsel (and except to the extent that portions thereof have been filed by their counsel on their behalf). They have also designated their video footage of the Steven Avery criminal trial as confidential.

2. Due to the volume of material that had to be processed for filing in response to Defendants' summary judgment motions, among other factors, Plaintiff's counsel did not have the opportunity to present the documents and materials pertinent to their summary judgment response to Chrome's counsel for advance review prior to filing.
3. Plaintiff's counsel therefore intended to file his brief and proposed facts, which describe materials that Chrome has designated as confidential, as restricted from public access pending further opportunity to either discuss the content thereof with Chrome or bring a motion to the Court if necessary with respect to the alleged confidentiality of the materials.
4. The proposed findings of fact, Dkt #325, were inadvertently filed without any restriction due to an internal miscommunication regarding whether the document was to be filed subject to restriction.
5. The response brief was filed as restricted, but a redacted version was publicly filed as Dkt #331. Plaintiff's counsel has since been advised that there is a method by which non-case participants can download the document and use a program to remove the redactions.
6. For the above reasons, and with apology to the Court and counsel for the inconvenience caused thereby, Plaintiff respectfully requests that the Court grant the relief requested and direct the Clerk to restrict access to Dkt ##325 and 331 to parties and counsel only, pending further stipulation by the parties or order from the Court.

7. Plaintiff's counsel will contact the clerk's office at the earliest opportunity this morning, November 7, 2022, to further request that consideration of this request be expedited.
8. Chrome's counsel has requested that Plaintiff's counsel contact the Court as soon as possible and request that the identified documents be restricted from public access.

Dated this 7th day of November, 2022.

By: /s/ April Rockstead Barker

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